

In the United States District Court For the Middle District
of Pennsylvania

James H. Williams
(Plaintiffs)

Civil No# 1:CV-01-0280

vs
Richard L. Spaide
(Defendant)

(Judge Kane)

FILED
HARRISBURG, PA

MAR 09 2005

MARY E. ANDREA, CLERK
Per MAA
Deputy Clerk

Motion For Reconsideration

Pursuant to Rules 210 of the Federal Rules of Civil Procedures Plaintiff James H. Williams, NY-8682, prose, Move this Court for Reconsideration of the Memorandum and order dated February 28 2005

1. Granting Defendant's motion for summary judgment (Doc 51) on Plaintiff's claim of being deliberately indifference toward Plaintiff's safety when Defendant conspired to have Plaintiff returned back on his unit after being threaten with bodily harm by Plaintiff's resulting in Plaintiff's being Assaulted with Elbowed by Defendant Richard L. Spaide.


2. Defendant's motion for summary judgment should not have been granted on the ground. Plaintiff's failure to exhaust administrative remedies from February 8, 1999 incident with Defendant.

A) Plaintiff's brief in opposition to Defendant's motion for Summary judgment dated December 13, 2004 pages 19 thru 29 with attached Exhibits "J" G thru J." supports exhaustion of administrative remedies contrary to Court Memorandum order p.g# 3-5. Resulted in clear error of law and manifest injustice. Plaintiff's Exhibits does not stop at Exhibit "G" and p.g# 19 thru 21. on exhaustion claims.

3. A concise brief in support of this motion will be submitted within ten (10) days, pursuant to local Rule 2.5 of Middle District of Pa.

wherefore, Memorandum and order should be reconsidered.

Date March 7, 2005

Respectfully Submitted.
James H. Williams. 

In the United States District Court For the Middle District of
Pennsylvania

James H. Williams
(Plaintiffs)

vs

Richard L. Spaidle
(Defendant)

Civil No# 1:01-cv-01-0280

(Judge Kane)

Certification of Service

I, James H. Williams, Plaintiff, prose, hereby certify that on March 7, 2005, I served a true and correct copy of the foregoing Motion for Recogridization by causing it to be deposited in the United States Mail first class postage pre-paid to:

Linda S. Lloyd (D.A.G.)
Office of Attorney General
Litigation Section
15th Floor Strawberry Square
Harrisburg, Pa. 17120

Date March 7, 2005

Respectfully Submitted
James Williams

James Williams AY-8682
175 Progress Drive
Waynesburg, Pa. 15370

To: office of the clerk
U.S. District Court House
228 Walnut St. P.O. Box 985
Harrisburg, Pa. 17108

James Williams
AY-8692
175 Progress Dr
Waynesburg, Pa. 15370

March 7, 2005

RE: Williams vs Spaide
Civil No# 1:01-cv-01-0280

Dear clerk;

Enclose please find one (1) original and two (2) copies of Motion for Reconsideration, with certificate of service.

2. Plaintiff's brief in support of Motion for reconsideration will be submitted within ten (10) days.

3. This motion is being submitted pursuant to this Court Memorandum and Order dated February 28, 2005

Truly yours
James Williams

Williams AY-8692
175 Progress Drive
Waynesburg, PA., 15370

**INMATE MAIL
PA DEPT
OF CORRECTIONS**



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MAR 07 2005
MAILED FROM ZIP CODE 15370

To: office of the Clerk
U.S. District Court House
228 Walnut St. P.O. Box 983
Harrisburg Pa. 17108

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